

IN RE: PETITION FOR ZONING VARIANCE
E/S Philadelphia Road, 740' S
of the c/l of Rossville Blvd.
(65400 Rossville Boulevard)
15th Election District
5th Councilmanic District
Golden Ring Mall Company
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-77-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, Golden Ring Mall Company Limited Partnership, by MSA Shopping Malls, Inc., by and through C. Lawrence Jenkins, Esquire. The Petitioner requests relief from Section 413.3h of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a roof sign with a height of 20 feet above the parapet in lieu of the permitted 16 feet for proposed Signs E and F in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were C. Lawrence Jenkins, Esquire, attorney for Petitioner, Joe Nussle with Melvin Simon & Associates, and Scott Ramsey and Bryce Turner, with D.I. Architecture, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 65400 Rossville Boulevard, consists of 23.4745 acres, more or less, zoned BM and is the site of the Golden Ring Mall shopping center. The Petitioner is desirous of erecting two additional signs on the roof of an existing parking facility to identify entrances to the mall in accordance with Petitioner's Exhibit 1. Testimony indicated that the additional signage is necessary to assist pedestrians in locating the entrances to the mall when entering the facility from the second level of the parking structure.

Petitioner testified that a major renovation project is currently under way to improve existing conditions at the site and that the proposed signage will ensure that patrons will have no difficulty in finding the entrances to the mall. Further testimony indicated that strict compliance with the zoning regulations would render conformance with the B.C.Z.R. unnecessarily burdensome due to the need for uniformity and compatibility of the proposed two signs with other existing signage already permitted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or struc-

ture which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of October, 1992 that the Petition for Zoning Variance requesting relief from Section 413.3h of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a roof sign with a height of 20 feet above the parapet in lieu of the permitted 16 feet for proposed Signs E and F, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Department of
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

October 22, 1992

(410) 887-4386

C. Lawrence Jenkins, Esquire
111 Calvert Street, Suite 1400
Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE
E/S Philadelphia Road, 740' S of the c/l of Rossville Boulevard
(65400 Rossville Boulevard)
15th Election District - 5th Councilmanic District
Golden Ring Mall Company - Petitioners
Case No. 93-77-A

Dear Mr. Jenkins:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The petition for Zoning Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Kabiliffe at 887-3351.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

file



Petition for Variance

93-77-A

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.3 h. to permit a roof sign with a height of 20 feet above the parapet in lieu of the required height of 16 feet (signs E and F).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty). This request for an area variance is based on practical difficulty in that (i) strict compliance with the requirement would render conformance unnecessarily burdensome because of the need for uniformity and compatibility of the two signs (E and F) with other signs already permitted for the shopping mall, (ii) that the failure to grant would be a substantial injustice to the applicant as well as the public since the purpose of the sign is to identify entrances to the mall for pedestrians entering from the parking structure.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

GOLDEN RING MALL COMPANY

LIMITED PARTNERSHIP

BY: MSA SHOPPING MALLS, INC.

Signature

By:

(Type or Print Name)

Herbert Simon, President

Signature

115 West Washington St. (317)636-1600

Address

Indianapolis, IN 46204

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Merlin P. Whiteman

McVith Simon & Associates, Inc.

115 West Washington St.

Indianapolis, IN 46204 (317)263-7085

Indianapolis, IN 46204 (317)263-7085

INDIAN (OFFICE USE ONLY)

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

RESERVED BY: LG 8/18/92

#60
GGS-
There were
NO descriptions
with this
petition.
Sophia
9-1-92

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

93-77-A

District: 15th Date of Posting: 9/22/92

Posted for: Petitioner

Petitioner: Golden Ring Mall Co. Ltd. Partnership

Location of property: 65400 Rossville Blvd.

Location of signs: Signs E and F at entrance to shopping center

Remarks: MSA Shopping Malls, Inc.

Posted by: MSA Shopping Malls, Inc.

Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/22/1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/22/1992

THE JEFFERSONIAN,

S. Zake Orlan
Publisher

6262



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

93-77-A

receipt

Date

Account: R0014150
Number

Cashier Validation

Please Make Check Payable To: Baltimore County \$250.00
94 0003454P008 08-92

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 10-6-92

Golden Ring Mall Company Limited Partnership
c/o Melvin Simon & Associates, Inc.
115 West Washington Street
Indianapolis, IN 46204

RE: CASE NUMBER: 93-77-8 (Item 60)
6/S Philadelphia Road, 740' S of c/l Roseville Boulevard
65400 Roseville Boulevard
15th Election District - 6th Councilmanic
Petitioner(s): Golden Ring Mall Company Limited Partnership
HEARING: TUESDAY, OCTOBER 13, 1992 at 10:00 a.m. in Rm. 118, Old Courthouse

Dear Petitioner(s):

Please be advised that \$ 62.62 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE DOWNSHIP & POST SET(S) ATTACHED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon

ARNOLD JABLON
DIRECTOR

cc: C. Lawrence Jenkins, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

October 6, 1992

(410) 887-3353

C. Lawrence Jenkins, Esquire
Legg Mason Tower
111 Calvert Street, Suite 1400
Baltimore, Md 21201

RE: Item No. 60, Case No. 93-77-A
Petitioner: Golden Ring Mall Company Limited Partnership, et al
Petition for Variance

Dear Mr. Jenkins:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
28th day of August, 1992

Arnold Jablon

ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Golden Ring Mall Company Limited Partnership, et al

Petitioner's Attorney: C. Lawrence Jenkins

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response For
Authorized signature *Dennis R. Kennedy* Date 9/14/92

Project Name Waiver Number Zoning Issue Meeting Date
File Number

Stonegate at Patapsco (Aerial Property)
90476
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

✓ Golden Ring Mall Company Limited Partnership 60 9/8/92 NC

DED DEPRM RP STP TE
John Dietsch 61

DED DEPRM RP STP TE
Happy Hollow Associates 75

DED DEPRM STP RP TE
Stephen M. and Diane A. Dansicker 76

DED DEPRM RP STP TE
Edward L. and Francine M. Wickman 77

DED DEPRM RP STP TE
Charles W. Berg And Willie D. Graves 78

DED DEPRM RP STP TE
Daniel W. and Evelyn J. Eckert 79

DED DEPRM RP STP TE
Leonard Stoler 80

DED DEPRM RP STP TE
Edward and Ceola Wright 81

DED DEPRM RP STP TE
Edward K. and Diana J. Hensler 82

DED DEPRM RP STP TE
Marvin and Hild Zentner and Amir Aviram 83

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: September 15, 1992

FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
September 8, 1992

The Office of Planning and Zoning has no comments on the following petitions:
Golden Ring Mall Company Ltd. Partnership, Item No. 60

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: *Ervin McDaniel*

EMcD/FM:rdn

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature Date 09/14/92

Project Name Waiver Number Zoning Issue Meeting Date
File Number

Stonegate at Patapsco (Aerial Property)
90476
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

✓ Golden Ring Mall Company Limited Partnership 60 9/8/92

DED DEPRM RP STP TE
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DED DEPRM RP STP TE
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DED DEPRM RP STP TE
Daniel W. and Evelyn J. Eckert 79

DED DEPRM RP STP TE
Leonard Stoler 80

DED DEPRM RP STP TE
Edward and Ceola Wright 81

DED DEPRM RP STP TE
Edward K. and Diana J. Hensler 82

DED DEPRM RP STP TE
Marvin and Hild Zentner and Amir Aviram 83

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature Date 09/14/92

Project Name Waiver Number Zoning Issue Meeting Date
File Number

Etta E. Plonden and Joan and Garland Arrington
DEPRM 57 8-24-92

COUNT 9

Colonial Village Company 19 8-31-92

DEPRM
Susan J. Blum 23

DEPRM
Arthur Thomas Ward, III 9

DEPRM

COUNT 3

✓ Steven Lewis and Mary Ann Kidwell 63 8/31/92

DEPRM
ReVisions, Inc. 64

DEPRM
Michael and Patricia Perholtz 71

DEPRM STP
Cheryl Blevins 73

DEPRM STP
Trvin R. and Judith B. Zeigenfuse 74

DEPRM STP

COUNT 5

✓ Golden Ring Mall Company Limited Partnership 60 9/8/92

DED DEPRM RP STP TE

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21204-5500

SEPTEMBER 9, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GOLDEN RING MALL COMPANY LIMITED PARTNERSHIP

Location: #6400 ROSSVILLE BOULEVARD - GOLDEN RING MALL

Item No.: + 60 (LJG) Zoning Agenda: SEPTEMBER 8, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

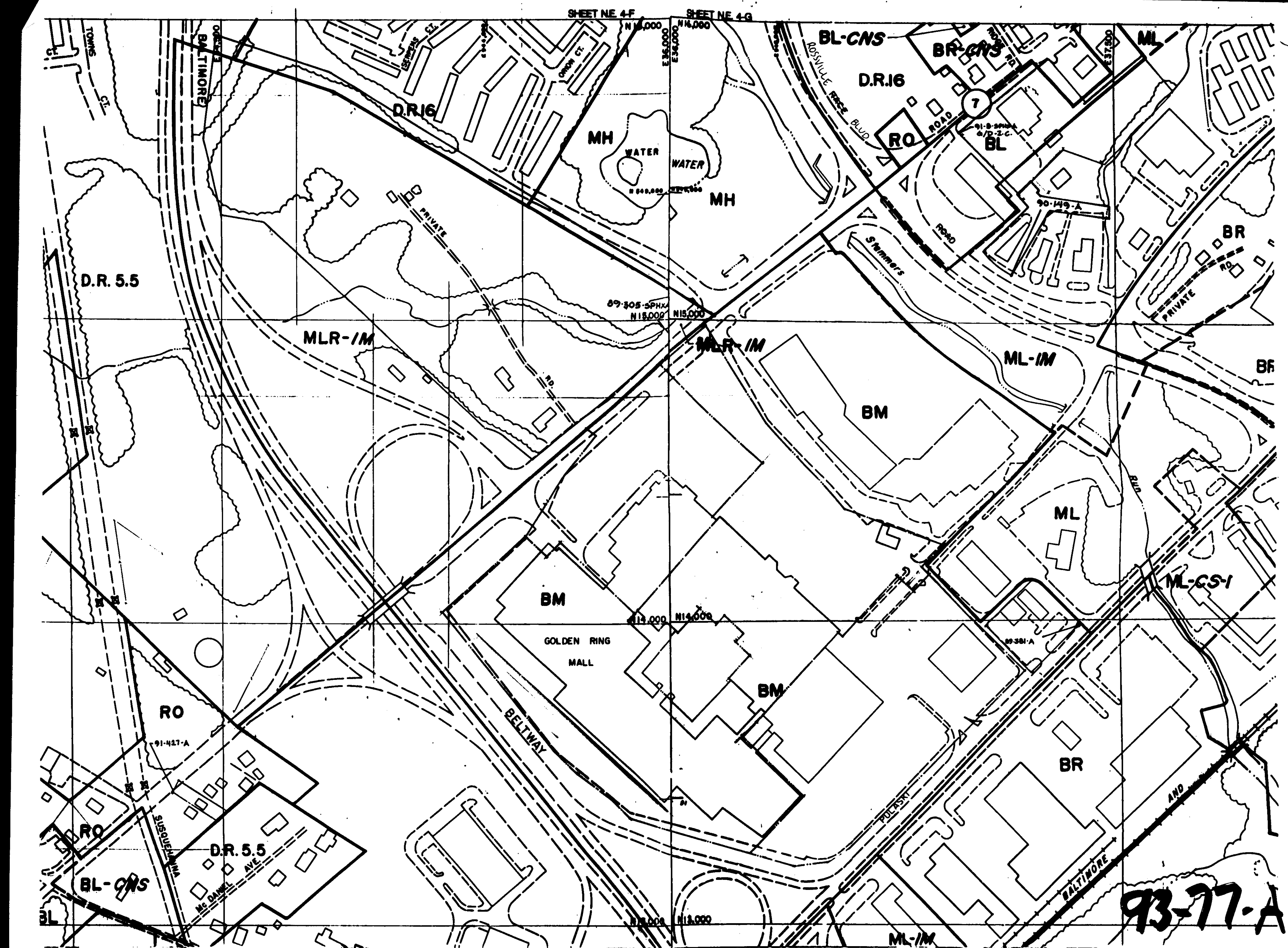
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jerry R. Rahn*
Planning Group
Special Inspection Division

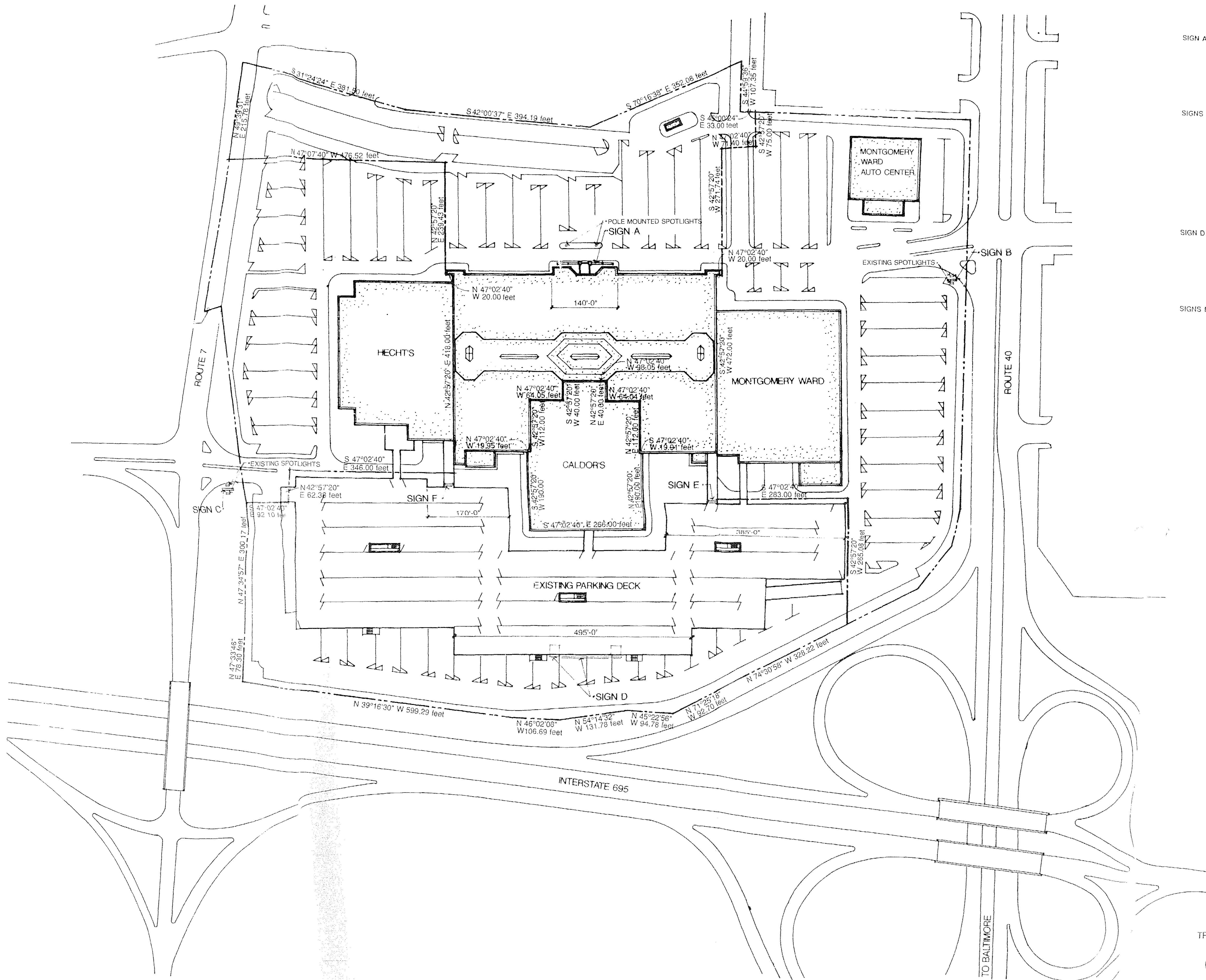
JP/KEK

RECEIVED
ZONING OFFICE

COUNT 11

 Printed on Recycled Paper

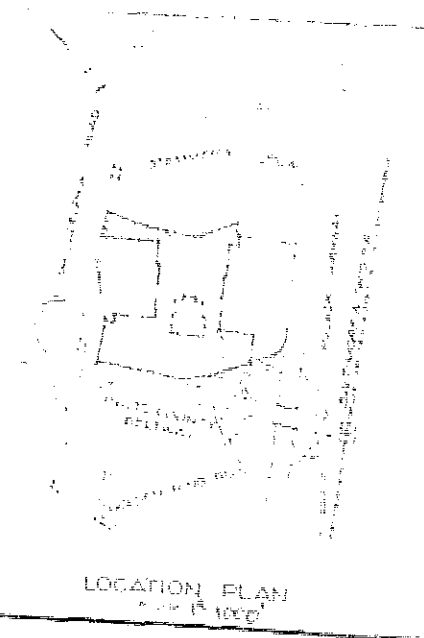
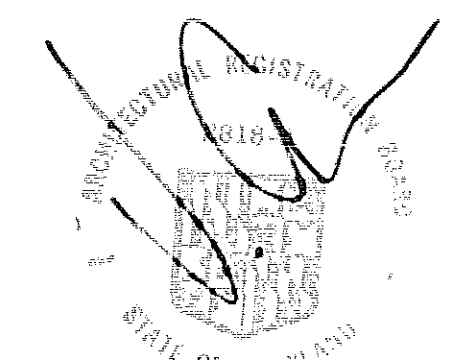
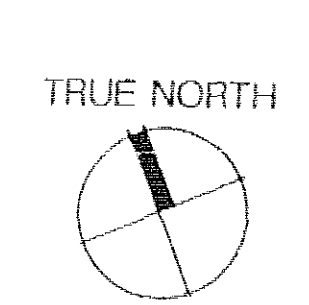
<u>NAME</u>	<u>ADDRESS</u>
Larry Jenkins Niles, Benton & Wilma	Suite 1400 111 S. Gilbert St
Joe Casale Melvin Simon & Chan	Room 7033 Indiana Ave IN
Jeff Young PI Auburn	10 S. Charles St.
BRUCE TURNER D.L. ARCH.	209 CHARLES ST.



- SIGN A:** Under construction. Permit #'s: 8360-8368
Single-faced signs and letters mounted to new building entrance. Signs and letters illuminated by existing pole mounted spot lights and neon on sign.
Allowable S.F.: 560 S.F.
Proposed S.F.: 341 S.F.
- SIGNS B & C:** Under construction. Permit #'s: 8369-8370
Single-face project identification sign mounted to existing freestanding pylon. One (1) sign each side. Sign illuminated by existing at grade spot lights.
Existing pylon height: 24'-6" above grade.
Allowable S.F., Sign B: 300 S.F.
Proposed S.F., Sign B: 24 S.F.
Allowable S.F., Sign C: 300 S.F.
Proposed S.F., Sign C: 185 S.F.
- SIGN D:** Under construction. Permit #'s: 8371-8373
Single-faced signs and letters mounted to new parking deck relacing. Sign illuminated by new billboard type lights and neon on sign. Letters illuminated by new billboard type lights.
Allowable S.F.: 1980 S.F.
Proposed S.F.: 506 S.F.
- SIGNS E & F:** Application for variance.
Proposed single-faced portal sign affixed to face of existing parking structure.
Sign illuminated by neon on sign.
Proposed sign height: 15'-8" above existing parking deck parapet.
Allowable S.F., Sign E: 1540 S.F.
Proposed S.F., Sign E: 165 S.F.
Allowable S.F., Sign F: 680 S.F.
Proposed S.F., Sign F: 165 S.F.

93-77-A

PLAT TO ACCOMPANY
ZONING VARIANCE
FOR GOLDEN RING MALL
ED 15 CD 6
MAP NE 4F 4G
BM 23.5 AC



This drawing is not to be used for construction until countersigned by chief draftsman. Date _____ or owner at verify all job dimensions, all drawings, details and specifications Contracting discrepancies to designers before proceeding with work. and revised specifications are instruments of service and the property of the design architect which must be returned at the completion of the work. All provisions of this drawing are suspended.				Project Title GOLDEN RING MALL SIGNS E & F VARIANCE		Client GOLDEN RING MALL COMPANY, L.P.		Sheet Title PLAT PLAN		Drawing Number 1		D.I. Design & Development Consultants, Inc. 20 South Charles Street Baltimore, Maryland 21201 (301) 962-0505	
Number	Revisions	Date	By	Drawn By _____ Approved _____ Date _____ Scale 1" = _____ File _____									

